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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,794	01/28/2000	Michael F. Giesler	CHEMCO.023A	2672
20,,,,	7590 04/23/200' RTENS OLSON & BE	EXAMINER		
2040 MAIN STREET			WEISBERGER, RICHARD C	
FOURTEENTI IRVINE, CA 92			ART UNIT	PAPER NUMBER
·			3693	
				-
SHORTENED STATUTOR	RY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE	
3 MO	3 MONTHS 04/23/2007 FLECTRONIC		RONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/23/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com eOAPilot@kmob.com

	Application No.	Applicant(s)					
	09/493,794	GIEȘLER ET AL.					
Office Action Summary	Examiner	Art Unit					
	Richard C Weisberger	3624					
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence address					
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period of a Failure to reply within the set or extended period for reply will, by statute any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATIO 36(a). In no event, however, may a reply be ti will apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONI	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).					
Status	•	·					
1) Responsive to communication(s) filed on 121/	08/2005.						
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closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims	·						
4)⊠ Claim(s) <u>1-25 and 31-34</u> is/are pending in the application.							
4a) Of the above claim(s) <u>11-25 and 31-34</u> is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-10</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/o	8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers							
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) acc	epted or b) objected to by the	Examiner.					
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is ol	ojected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119		•					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	4) Interview Summan Paper No(s)/Mail D						
Paper No(s)/Mail Date 6) Other:							

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DETAILED ACTION

1. Applicant's election without traverse of claims 1-10 in the reply filed on 6/25/2002 is acknowledged.

2. This application contains claims 11-25 and 31-34 are drawn to an invention nonelected with traverse in dated 6/25/2002. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Following the decision of Ex parte Lyell, a single claim may not be directed to more than one statutory invention. In this case, the preamble of claim 1 is directed to a product, yet the limitations are directed to both a product and a method. The method step includes a member generating and transmitting data. Therefor, the claim is indefinite. The enterprise resource (erp) planning system of claim 1 is indefinite in scope. It is not clear what functionality is essential to this system nor is it clear what component make up this system, nor is it clear where is resides and is configured, particularly with respect to the system of the preamble.

The applicant is encouraged to contact the examiner for assistance in drafting the claims.

Claim Rejections - 35 USC § 102

5. Claim 1-10 is rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Press Release of 1999.

The applicant argues that the press release, dated August 1999, does not qualify under 35 U.S.C. 102(b) and is correct. The rejection has been amended to one under 102(a). The applicant should file an affidavit under 37 CFR 1.131.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 571 272 6753.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Krammer. The phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard C Weisberger Primary Examiner Art Unit 3624